

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

Claims 9-11, 18 and 26-33 are pending. Claims 34-41 are cancelled herein without prejudice or disclaimer. Claims 9-11, 18, 27, 28, 30, 31 and 33 are amended herein for clarity. Claims 27, 30 and 33 are amended to replace the recitation "p-lactamase" with the recitation "β-lactamase." Basis for the amendment is found throughout the specification (for example, see page 29, lines 16-21). No new matter is added.

OBJECTION TO CLAIM 27

Claim 27 is objected to because the Examiner alleges that the term "β-lactamase" is incorrectly written as "p-lactamase." Applicant respectfully submits that the objection is obviated by the amendment of claim 27 herein.

REJECTION OF CLAIMS 34-41 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 34-41 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly fails to describe the claimed subject matter in such a way as to enable one skilled in the art to make and use the claimed subject matter.

In order to expedite prosecution, but without acquiescing to the rejection, claims 34-41 are cancelled herein without prejudice or disclaimer. Thus, the rejection as applied to claims 34-41 is moot.

* * *

In view of the above, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 18202-033US1

Address all correspondence to:
Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796
email: seidman@fr.com